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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,777	01/03/2002	Jurgen Romisch	06478.1462	8563
7590	03/09/2004		EXAMINER	
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315			MELLER, MICHAEL V	
			ART UNIT	PAPER NUMBER
			1654	

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 2

Application Number: 10/033,777

Filing Date: January 03, 2002

Appellant(s): ROMISCH ET AL.

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Sanya Sukduang  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 12/18/2003.

**(1)     *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2)     *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3)     *Status of Claims***

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1, 3, 5-21.

Claims 2, 4, 22-24 were withdrawn from consideration as not directed to the elected invention.

Applicant elected tranexamic acid and nonionic detergent as their elected species as noted in their response dated 4/10/2003.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1, 3, 5-21 stand or fall together but do not provide reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8). They stand or fall together since one 35 USC 103 rejection was made over all the claims.

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

4,465,662	Sato et al.	8-1984
5,589,363	Roy et al.	12-1996
5,604,202	Kessler et al.	2-1997
JP 02000023696	Roemisch et al.	1/2000
EP 0952215	Romisch et al.	10-1999

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1,3, 5-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-023696 (abstract) or EP 952215 (abstract, page 2) taken with Sato et al. (abstract, col. 1, lines 16-25, col. 3, lines 5-25, example 4) and further in view of Roy et al. (col. 34, line 55-col. 35, line 15) or Kessler et al. (col. 3, line 55-col. 4, line 11).

JP and EP teach that a protease which activates blood coagulation factor VII can be stabilized using sodium citrate, see page 2, bottom of EP.

Sato teaches that tranexamic acid is stabilized using CMC and carragennan (example 4) and also shows using a protease with it (col. 3, lines 6-23).

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Roy and Kessler teach that the other ingredients to be added to the composition, detergents, sugar, amino acid are known in the art to stabilize compositions such as the claimed invention.

Thus, since the components are used individually in the art for the same purpose to stabilize a composition, then it would have been obvious to use them together to produce a stabilized composition.

#### **(11) Response to Argument**

Appellant first argues that JP and EP do not teach all of the claimed elements. This is a rejection with a combination of references rejected under 35 USC 103.

Appellant then states that Roy, Kessler and Sato do not make up for the deficiencies by showing how what they have to teach relates to the claimed enzyme. The rejection was made under 35 USC 103. It was made with a combination of references that show that the individual ingredients of the composition can be used individually in the art for the same purpose, namely to stabilize a composition.

Appellant next argues that Sato in fact teaches away from stabilizing because according to appellant Sato teaches that tranexamic acid does not stabilize. Upon further inspection of Sato it is clear that appellant took this statement from a part of the patent which was discussing the background problems in the art and upon further inspection of the Sato patent it is clear that Sato found the tranexamic acid to stabilize compositions, see example 4.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Michael V. Meller  
Primary Examiner  
Art Unit 1654

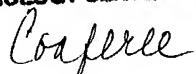
MVM  
March 4, 2004

Conferees:

Brenda Brumback  
Andrew Wang

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, DC 20005-3315

*Brenda Brumback*  
BRENDA BRUMBACK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600



*Coaffee*  
  
ANDREW WANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600